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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,331	07/15/2000	Ryogo Katayama	21778.04300	8444

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EXAMINER

CHAU, MINH H

ART UNIT	PAPER NUMBER
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2854

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DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/616,331

Applicant(s)

KATAYAMA ET AL. 

Examiner

Minh H Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the improper format (**two paragraph**). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The disclosure fails to provide proper antecedent basis for the language "desired number of columns" as recited in claims 1 and 6 (line 7), claim 4 (lines 4-5), claims 5, 7 and 15 (line 5), claim 9 (lines 7-8), claim 12 (line 4) and claim 13 (line 2 and 5).

Claim Objections

3. Claim 1 is objected to because of the following informalities: The use of an extra period at the end of claim 1 is improper. Appropriate correction is required.

Claims 5, 7, 14 and 15 are objected to because of the following informalities: There is no antecedent basis for the language "the desired number of frames" as recited in claims 5, 7 and 15 (line 2) and claim 14 (lines 5-6). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "a desired number of columns" as recited in claim 1-17 is unclear which creates confusion for the reader. The Examiner unable to determine what the Applicant intended to claim because while the disclosure provide the details description for the complementary color image consisting of a desired number of frames, it does not clearly provide any description for the complementary color image consisting of a desired number of columns.

6. To the extend that the claims are definite and understandable the following prior art rejections appear to be proper.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6, 8-12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai (US # 4,962,421) in view of Ikemoto et al. (US # 5,902,053).

With respect to claims 1, 8, 9 and 16, Murai teaches a printer (100) and a color adjusting method to print an input signal from a color scanner or video signals using printing media, the printer and method comprising an image processing means (see Fig. 6 and col. 6, lines 56-58 of Murai) for storing a plurality of data different from each other in a value (see Figs. 7(a), 7(b) and col. 7 of Murai) and converting using the plurality of data, an image composed of R, G and B input signals based on the input signals to a Y, M and C complementary color image consisting number of frames (see Figs. 6, 7 and col. 7 of Murai), means for printing (66) an output from the image processing means using the printing media (see Figs. 6-7 and cols. 2-7 of Murai).

With respect to the recitations of "selecting a desired ... selecting step" (lines 10-13 of claim 9), Murai teaches selecting a desired one of the plurality of images printed on the printing paper and adjusting the colors according to the desired image selected at the selecting step (see cols. 10-11 of Murai).

Murai teaches all the limitations of a printer and method step as recited above, except for the recitation of "a printing ink ribbon" (lines 1-2 of both claims 1 and 9) and "a sublimation ink ribbon" (line 2 of both claims 8 and 16). Ikemoto et al. teach a video printer that having a printing mechanism comprising a thermal head (7), a printing sheet (50) and a sublimation printing ink ribbon (60) (see Fig. 2 and col. 4 of Ikemoto et al.).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the printing mechanism of Murai with the printing mechanism that include the printing ink ribbon as taught by Ikemoto et al. so that a compact printer and less expensive printer can be achieved.

With respect to claims 2 and 10, see Figs. 6-7 and col. 7 of Murai that teach the image processing means has a memory means (60) that stored a plurality of data different from each other in gamma value upon which the color appearance characteristic of the printing medium depends.

With respect to claims 3 and 11, see Figs. 6-7 and cols. 8-19 of Murai that teach the image processing means calculates the plurality of data difference in gamma value from each other with reference to a reference image and stores the addresses of the data in the memory means.

With respect to claims 4, 6, 12 and 14, see Figs. 6-7 and col. 7 of Murai that teach the image processing means has a memory means (60) that stored a plurality of data different from each other in gamma value upon which the color appearance characteristic of the printing medium depends, and a color compensation processor or a complementary color converting (63) for converting the R, G and B images to the Y, M and C complementary color images for the desired number of frames.

9. Claims 5, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murai and Ikemoto et al. as applied to claims 1, 4, 6, 9, 12 and 14 above, and further in view of Kanamori et al. (US # 5,504,821).

With respect to claims 5, 7, 13 and 15, Murai teach a conversion to the Y, M and C complementary color images for the desired number of frames (see cols. 7-8 and Fig. 7) is effected by an image dividing means. Murai and Ikemoto et al. teach all the limitations, except for "an image dividing means ... sub scanning direction". Kanamori et al. teach a color converting apparatus including an area processing selecting section or image dividing means (20) for processing pixels of the converting colors in the mains scanning direction by the hardware technique and in the sub-scanning direction by the software technique (see cols. 55-56 of Kanamori et al.).

In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Murai and Ikemoto et al. to include the an area processing selecting section for converting the colors in the mains scanning direction by the hardware technique and in the sub-scanning direction by the software technique as taught by Kanamori et al. so that the conversion of the colors can be efficiently performed.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murai and Ikemoto et al. as applied to claim 9 above, and further in view of Tsuboi et al. (US # 4,958,221).

With respect to claim 17, Murai and Ikemoto et al. teach all the limitations, except for "the desired image ... printing paper". Tsuboi et al. teach a copy machine comprising a test mode for making a color adjustment including a liquid crystal display section or a monitor screen (84) for allowing the selecting of the image that having a desirable color balance (see cols. 7-8 of Tsuboi et al.).

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In view of this teaching, it would have been obvious to one of ordinary skill in the art to modify the device of Murai and Ikemoto et al. to include the display screen as taught by Tsuboi et al. for the advantage of allowing the user to select the desirable image easily and accuracy.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patent to Osawa (JP 04-137974).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (703) 305-0298. The examiner can normally be reached on M - TH from 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MHC
September 8, 2002

